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6 DICK/MORGANTI, DICK CORPORATION and

THE MORGANTI GROUP

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

10 UNITED STATES OF AMERICA for the Use and  
Benefit of WEBCOR CONSTRUCTION, INC. dba  
11 WEBCOR BUILDERS, and WEBCOR  
CONSTRUCTION, INC. dba WEBCOR  
12 BUILDERS,

13 Plaintiffs,

14 vs.

15 DICK/MORGANTI, a joint venture, DICK  
CORPORATION, THE MORGANTI GROUP,  
16 AMERICAN CASUALTY COMPANY OF  
READING, PA, NATIONAL UNION FIRE  
17 INSURANCE COMPANY OF PITTSBURGH, PA,  
and DOES 1 through 10, inclusive,

18 Defendants.

19  
20 AND RELATED COUNTER-CLAIMS AND  
21 THIRD PARTY CLAIMS.

Case No.: 3:07-CV-02564-CRB

**REQUEST FOR CONTINUANCE  
OF CASE MANAGEMENT  
CONFERENCE OF  
DICK/MORGANTI (JOINED IN BY  
WEBCOR ROSENDIN AND  
PERMASTEELISA)**

Date: December 5, 2008

Time: 10:00 a.m.

Place: Courtroom 8

Before: Hon. Charles R. Breyer

22  
23 Defendants DICK/MORGANTI, DICK CORPORATION and THE MORGANTI GROUP  
24 (“D/M”) respectfully submit this request for continuance of the December 5, 2008 Case  
25 Management Conference.

26 The status of this matter is described in the November 26, 2008 Joint Status Conference  
27 Statement. Generally, D/M has been working with its subcontractors to finalize the pricing of the  
28 remaining components of the claims. Some progress has been made in this regard and more is

1 expected in the next several weeks. At the same time, D/M has been working with the GSA to  
 2 develop a case management and alternative dispute resolution plan to present to the Civilian Board  
 3 of Contract Appeals (“CBCA”). GSA has recently agreed to a “three step” negotiation and  
 4 mediation process—with negotiations on the smaller, direct cost change order claims beginning in  
 5 January 2009. A status conference before the CBCA is set for January 2009.

6 Under the circumstances, four of the five active sets of parties in the case (D/M, Webcor  
 7 Construction, Inc., Rosendin Electric, Inc., and Permasteelisa Group USA Holdings Corp.)  
 8 respectfully suggest that the December 5, 2008 Case Management Conference be continued to a  
 9 date **after January 12, 2009**. Performance Contracting Inc. (“PCI”) does not join in this request.  
 10 Counsel for D/M is not available January 13-16, 2009 (not January 13-15 as noted in the Joint  
 11 Case Management Statement).

12  
 13 Dated: December 1, 2008

HOWREY LLP

/s/

By

John W. Ralls  
 John Foust  
 Attorneys for Defendants  
 DICK/MORGANTI, DICK CORPORATION, and  
 THE MORGANTI GROUP

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 19  
 20 **ORDER**

21 Good cause having been shown, the Court hereby resets the Case Management Conference  
 22 (previously scheduled for December 5, 2008) for January 23, 2009, at 8:30 a.m.,  
 23 in Courtroom 8, of this Court.

24 IT IS SO ORDERED.

25  
 26 Dated: December 02, 2008

27  
 28 Honorable

